

On motion of Mr. Gage, the Senate adjourned until 9 o'clock, Monday morning.

Monday, 9 o'clock, A. M.
March 13th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace, and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Parker, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts to whom was referred a bill to be entitled an act for the relief of James Hunly, have examined the same, and instructed me to report :

That there are many claims equally just against the government of Texas, which have been reported unfavorable, for the purpose that all such claims should undergo the examination of a tribunal contemplated to be established for that purpose, therefore recommend that no further legislative action be had on said bill.

Mr. Clark, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred "an act to incorporate the Houston Lyceum," and a "bill to be entitled

an act to incorporate Milam Liberal Institute," have had the same under consideration, and have instructed me to return said bills to the Senate without amendment, and recommend their passage.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to authorize and require Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes the punishment for which is death, together with the report of a select committee, offering amendments, was read, and report adopted.

The yeas and nays were then called on the engrossment of the bill, and stood as follows:

YEAS—Messrs. Abbott, Clark, Cuny, Gage, Grimes, Fitzgerald, McRae, Navarro, Parker, Perkins and Wallace—11.

NAYS—Messrs. Brashear Burleson, Dancy, Jewett, and Williamson—5.

So the bill was ordered to be engrossed.

A message was received from the House of Representatives informing the Senate that the House had concurred in the amendment of the Senate to the following bills, viz.:

A bill to be entitled an act authorizing and requiring the County Courts to regulate roads, appoint overseers, &c.:

A bill to be entitled an act to incorporate the city of Nacogdoches:

Also that the House had passed a bill to be entitled an act for the relief of Columbus C. Browning, with an amendment:

Also the following bills which originated in the Senate, viz.:

A bill to be entitled an act for the relief of James P. Wallace and Robert M. Williamson:

A bill to be entitled an act to incorporate Williamson Academy: and

A bill to be entitled an act to apportion the Senators and Representatives of the Legislature, among the several counties of this State

Resolution of the Senate relative to the adjournment of the Legislature, *sine die*, was,

On motion of Mr. Burleson, laid upon the table.

On motion of Mr. Burleson,

The Resolution of the House, relative to the adjournment of the Legislature *sine die*, was taken up.

Mr. Burleson moved to reconsider the vote of Saturday, striking out "Monday 20th."

Carried.

Mr. Jewett moved to lay the resolution upon the table.

Lost.

Mr. Parker moved to lay the resolution upon the table until Monday next.

Lost.

On motion of Mr. Burleson, the resolution was adopted.

On motion of Mr. Gage,

The Senate concurred in the amendment of the House to a bill to be entitled an act for the relief of Columbus C. Browning.

A bill to be entitled an act for the relief of Alfred Brigance.

Read third time and passed.

A bill to be entitled an act for the relief of Thomas J. Stell.

Read third time and passed.

A bill to be entitled an act to establish the county seat of the county of Cameron.

Read third time and passed.

Mr. Perkins, chairman of the committee on Private Land Claims, made the following report:

The committee on Private Land Claims, to whom was referred a joint resolution, originating in the House of Representatives, for the relief of the heirs of Mark Noble, dec'd., have directed me to make the following report:

That Mark Noble emigrated with his family to the Republic of Texas in 1840 and died the same year; he was by his residence entitled to a certificate for 640 acres of land, which his heirs have not obtained, no remedy now being open to them, except through the Legislature.

The resolution is returned to the Senate and its passage recommended.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported as correctly engrossed,

A bill to be entitled an act to define the times of holding the District Courts in the fifth, sixth and eighth Judicial Districts.

A bill to be entitled an act to require Sheriff's, Clerks of the District Courts and Clerks of the County Courts to keep their offices at the county seats of their respective counties.

Read third time and passed.

A bill to be entitled an act changing the name of the county seat of Collin county.

Read third time and passed.

A bill to be entitled an act to define the times of holding the District Courts in the fifth, sixth and eighth Judicial Districts.

Read third time and passed.

Joint resolution authorizing the Comptroller of Public Accounts to transfer to S. L. Johnson, an Austin city lot.

Read third time and passed.

A bill to be entitled an act to repeal the 11th section of an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved Feb. 4th, 1841.

Read second time and ordered to be engrossed.

On motion of Mr. Williamson,

A bill to be entitled an act to establish the Harrisburg and Rio Grande Railway Company, was taken up and read.

Mr. Jewett moved to amend by striking out "Harrisburg," and adding "from the Rio Grande to Galveston Bay, or its contiguous waters."

Mr. Brashear from the committee on Internal Improvements, made the following report:

The undersigned, a member of the committee on Internal Improvements, to whom was referred a bill proposing to incorporate certain individuals into a company, with powers to construct a rail road from Harrisburg, or some other point on Buffalo Bayou, in the county of Harris, to some point on the Rio Grande, has given the bill all due consideration, and begs leave to report; first, that the said ideal rail road, proposed to

be constructed by said bill, commencing near the centre of the most populous county in the State; of which the undersigned is the Representative, in the Senatorial branch of the Legislature; and yet, is not advised by even one of the citizens of Harris county, that any commercial relation at present exist, or are hereafter likely to exist between the points contemplated in said bill, as to require rail road facilities to accommodate trade.

I hope this Legislature will not accommodate and invest individuals with any chartered rights or privileges, in Harris county, whose predilections and interests have ever been at variance and war with the interests and wants of a majority of the people of said county.

I well remember a bill providing and conferring similar rights and privileges, and commencing at a point, agreeable to nine-tenths of the people of Harris county, at the instigation of the Representatives of said county, was rejected by the last Legislature, for the reason, that they believed the measure premature, absurd and unlikely to be completed if granted.

I have never intermeddled with the local concerns or interests of any county, without previously consulting the Representatives of said county.

If others, living not with us, have presumed so to do with us; or if the natural advantages of the city of Houston, together with the honest industry and enterprize of its inhabitants, have made it one of the first and largest city in the State of Texas. I do hope its neighbor will not be disturbed in reviewing its prosperous condition, but will avail itself of all its legitimate resources and natural advantages, and go ahead if it can, on the square.

I hope this Legislature will neither inflict harm or injury on the legitimate rights and prospects of the city of Houston, nor trammel the decisions of nature, by the passage of any bill, only calculated to buoy up another by destroying or shaking the confidence of those who have capitulated to invest in town property, as to what the future and ultimate fortune of Houston will be.

Is there a man in Texas, not engaged in the gigantic project, so stupid as to think, or so bold as to hazard the opinion, on honor, that if this bill were to pass, that ever one rail would be located under its provisions. I think it only calculated for a jenny or hobby to be rode against the city of Houston; or a

magnificent humbug, beautified by pictures, intersected and drawn around by green, red and blue lines, to gull, delude and catch suckers abroad. I think the patience of the people of Harris county have heretofore been sufficiently taxed and tortured; and our statute books abundently incumbered with blue, black, red and green paper projects, and schemes for rail roads, turnpike roads and canals. I beseech you to give them longer respite, until they petition Legislative action on their local concerns. I assure this body, that these schemes have, long ago, so completely convulsed themselves, by the reckless action had on them, that the people there, do not wish them resuscitated or resurrected until experience or common sense would dictate that something would be done, more than printing at the expense of the State.

It is neither their interest nor inclination, at this crisis, to become dealers in humbuggery and delusion; but in substance and reality: to that trickery and humbuggery, that once so flagrantly infested their borders, they have long ago said, "depart ye hence," and have rapidly built themselves up, and their superstructure now rests upon the basis of solid and substantial prosperity.

The undersigned, would respectfully ask the Senate to amend the bill, by dissecting Harris county therefrom, and further hope, that neither this nor any succeeding Legislature will interpose any barrier or scheme whatsoever, calculated to interrupt the rights of the people of Harris county, unless the measure proposed, shall have been previously submitted, digested and sanctioned by them or their representative in the Legislature, who are directly responsible to them for public duty performed.

I. W. BRASHEAR.

On motion of Mr. Brashear, the bill and the report were laid upon the table.

A bill to be entitled an act to provide for the assessment and collection of Taxes, together with the report of the committee on Finance, offering amendments thereto, was read, and report adopted.

On motion of Mr. Wallace, the bill was laid upon the table.

Mr. Burleson, Chairman of a Select committee made the following report:

The Select committee, to whom was referred the "bill to be entitled an act to fix the times of holding the District Courts in the 9th Judicial district;" having examined the same, had a more acceptable bill prepared by persons interested in the subject thereof, and have instructed me to report the latter bill as a substitute for the former, and recommend its passage.

A bill to be entitled an act to incorporate the town of San Augustine, together with the report of the committee on State Affairs, offering amendments; was read, report adopted, and bill passed to a third reading.

On motion of Mr. Jewett,

A bill to be entitled an act to establish the method of trying the right of property, levied on under writs of execution, sequestration and attachment, when the same is claimed by a person who is not a party to such writ, was taken up and read.

Mr. Jewett moved to amend the first section, by inserting "in writing before some justice of the peace of the county where the levy was made," between the words "oath" and "that," in 6th line.

Adopted.

Mr. Jewett moved to amend by inserting the words "in writing" between the words "oath and "to." Adopted.

Mr. Wallace moved to amend the 5th section, by striking out all after "the" in 4th line to "amount," in 5th line.

Adopted.

The bill then passed to a third reading.

A bill to be entitled an act supplementary to an act to restore lands sold for taxes and bid in by the Government, to the former owners, approved April 27th, 1846.

Read second time and passed to a third reading.

A bill to be entitled an act supplementary to an act to detect fraudulent land certificates, passed at the Fifth Congress of the Republic of Texas, was, on motion of Mr. Clark, laid upon the table.

A message was received from the House of Representatives, informing the Senate that the House concurred in the amendments of the Senate to the 34th, 55th and 60th sections of a bill to be entitled an act to organize justices' courts, &c.; and also in the amendment inserting a new section as the 66th, and tha

the House refused to concur in the amendments to the 1st and 11th sections of said bill. Also, that the House refused to concur in the amendments of the Senate, to a bill to be entitled an act to define the times of holding elections for the several State and county officers, and for Representatives to the United States Congress, except the second amendment, in which they concur, and that the House had appointed Messrs. Pease, Armstrong and Mosely a committee of conference on said bills.

A bill be entitled an act to create a State Library and to provide a library fund, together with the report of the committee on State Affairs, offering amendments, was read and report adopted.

Mr. Dancy moved to amend, by adding—

"Sec. 2. That the moneys arising from said fees, shall be paid over to the Comptroller of Public Accounts, and that this act take effect from and after its passage."

Adopted.

The bill was then ordered to be engrossed.

A bill to be entitled an act prescribing the punishment for cutting down, carrying away or destroying trees or timber, upon any land, without the consent of the owner.

Read second time.

Mr. Perkins moved to amend by striking out the following, "and any person convicted and fined for any such misdemeanor, shall be committed to the jail of the county until such fines and all costs are paid."

Adopted.

Mr. Williamson moved to indefinitely postpone the bill, upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Abbott, Brashear, Clark, Cuny, Fitzgerald, Parker, Wallace and Williamson—8.

Nays—Messrs. Burleson, Dancy, Gage, Grimes, Jewett, McRae, Navarro and Perkins—8.

Lost.

Mr. Wallace moved to lay the bill on the table until the first day of April next.

Lost.

The bill was then passed to a third reading by the following vote:

Yeas—Messrs. Bourland, Burleson, Dancy, Gage, Grimes, Jewett, McRae, Navarro, and Perkins—9.

Nays—Messrs. Abbott, Brashear, Clark, Cuny, Fitzgerald, Parker, Wallace and Williamson—8.

So the bill passed to a third reading.

On motion of Mr. Dancy, a committee of conference was appointed on "A bill to be entitled an act to organize justices' courts, and define the powers and jurisdiction of the same;" and on "A bill to be entitled an act to define the time of holding elections for the several State and county officers, and for Representatives to the United States Congress."

Messrs. Dancy, Cuny and Parker were appointed said committee.

Mr. Burleson, chairman of a select committee, made the following report:

The select committee, to which was referred a bill to be entitled an act to prescribe the times of holding the courts in the second Judicial district of the State of Texas," have instructed me to report the bill back to the Senate, with the following amendment, to wit:

Amendment—

Substitute for the second section

"Sec. 2d. That all process returnable to, and cases triable at the regular terms of the district courts of the second Judicial district, as now provided for by law, shall be returnable to, and triable at the regular terms herein prescribed, and that all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed, and that this act take effect from and after the first Monday in August next," and recommend the adoption of the amendment, and the passage of the bill as amended.

On motion of Mr. Dancy, the above bill and report were taken up.

Report adopted, and bill ordered to be engrossed.

On motion of Mr. Dancy, the rule was suspended, bill read third time and passed.

On motion of Mr. Wallace, the Senate adjourned until 2 o'clock, P. M.

2 o'clock, p. m.

Senate met—roll called—quorum present.

A bill to be entitled an act for the regulation of pilots at the mouth of the Brazos river, together with the report of the committee on Internal Improvements thereon, offering an amendment, was read, and report adopted.

Mr. Wallace moved to amend the first section by striking out "four" and inserting "two" in the 6th line, upon which the yeas and nays were called and stood thus:

Yeas—Messrs. Bourland, Brashear, Clark, Cuny, Grimes, Fitzgerald, McRae, Parker, and Wallace—9.

Nays—Messrs. Burleson, Dancy, Gage, Jewett, Navarro, Perkins and Williamson—7.

So the amendment was adopted.

Mr. Gage moved to amend the 2d section by striking out the word "him" and inserting "the Governor of the State."

Adopted.

The bill then passed to a third reading.

A message was received from His Excellency, the Governor presenting a communication in writing, which was read, and

On motion of Mr. Clark, made the special order of the day for to-morrow.

A bill to be entitled an act to provide for revising the statute laws of the State of Texas, together with the report of the committee on Indian Affairs, recommending that the bill be laid upon the table, was read and report adopted.

A bill to be entitled an act to incorporate the Republican Academy, in the county of Harrison.

Read second time and passed to a third reading.

On motion of Mr. Clark, the rule was suspended, bill read third time, and passed by the following vote:

Yeas—Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Dancy, Jewett, Grimes, Fitzgerald, Navarro, Parker and Perkins—12.

Nays—Messrs. Gage and Wallace—2.

A bill to be entitled an act to incorporate the Huntsville Male Institute.

Read second time and passed to a third reading.

On motion of Mr. Dancy, a bill to be entitled an act to incorporate the Colorado and Brazos Railroad Company, was taken up.

Read second time and ordered to be engrossed.

Mr. Dancy moved to suspend the rule, that the bill might be put upon its third reading.

Lost.

Mr. Cuny offered the following resolution:

"Resolved, That the Senate will meet the House of Representatives, in the Representative Hall, on Thursday, the 16th instant, for the purpose of electing a District Attorney for the Eleventh Judicial District."

Adopted.

On motion of Mr. Navarro, a bill to be entitled an act to incorporate the Western Texas Orphan Asylum was taken up and read, together with the report of the committee on State Affairs, offering amendments.

Report adopted and bill passed to a third reading.

On motion of Mr. Williamson, the rule was suspended, bill read third time and passed, by the following vote:

Yeas—Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, Navarro, Parker, Perkins, Wallace and Williamson—15.

Nays—none.

On motion of Mr. Abbott, a bill to be entitled an act supplemental to an act entitled an act supplemental to an act to organize the Supreme Court of Texas, was taken up.

Read second time, and referred to the committee on the Judiciary.

Mr. Perkins, chairman of the committee on Private Land Claims, made the following report:

The committee on Private Land Claims, to whom was referred a Joint Resolution which originated in the House of Representatives "for the relief of Lewis Thuner," have had the same under consideration and directed me to make the following report.

The said Thuner entered the service of the Republic of Texas in 1838, and received from the board of Land Commissioners for Harrisburg county a conditional certificate (as a married man) for 1280 acres of land, which was recommended for patent by the investigating board, but the death of his wife which occurred after the receipt of the certificate, and being unable now to procure the evidence of her death, he cannot procure the unconditional certificate which would authorize the Commissioner of the General Land Office to issue the patent. No other remedy being open to him than through the Legislature, the Joint Resolution is returned to the Senate, and its passage recommended.

Mr. Cuny moved to reconsider the vote of Saturday, which refused to engross the bill to be entitled an act to define the boundaries of the county of Refugio.

On motion of Mr. Bourland,

The motion to reconsider was laid on the table.

Mr. Perkins, Chairman of the committee on Private Land Claims, to whom was referred Joint Resolution for the relief of E. B. Cogswell, and Joint Resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hall, reported the same to the Senate, and recommended their passage.

On motion of Mr. Gage, the Senate adjourned.